

COVID-19 Best Practices for Waterloo Region Restaurants

FAQS from the July 16, 2020 Webinar hosted by BESTWR

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Restaurant Best Practices

Are kitchen workers required to wear masks?

The Regional by-law speaks to public areas, not employee areas, however employees are encouraged to wear masks in areas where maintaining physical distancing is not possible. Businesses are responsible for determining their own policy with respect to face coverings in employee areas.

Is there a bylaw or order that requires businesses to collect names and emails of all patrons?

No, however it is strongly recommended in case it is required for contact tracing purposes.

What do you say to guests who are not forthright about if they have symptoms of being sick, or who are dining outside of their social bubble?

The restaurant is not under the obligation to actively screen its patrons, but should post signage regarding the symptoms of COVID-19 and advise patrons to stay home if they are unwell.

Of course if the person is visibly ill, or refuses to follow the premises house policies, regarding distancing or mask use, they could be asked to leave. While the premises can only act on the information provided to them, only those from the same social circle should be sitting together within 2m of each other. The facility should be doing its best to push the messaging and seat those outside social circles at other tables nearby to physically distance. Physical distancing between groups remains the best method for reducing the likelihood of transmission.

Patio Questions and Regulations

What are the insurance requirements for patios?

Check with your municipality regarding their standard insurance requirements. These will be outlined by the City and must be completed by your insurance provider.

Why/what type of fencing is required for a patio?

In most cases, there must be a substantial fence or barrier between temporary patio space and the parking lot/traffic area. The visual/barrier is a minimum safety requirement, to protect customers from moving vehicles or traffic. Work with your municipality to determine the best location and type of barrier.

Is music permitted on patios?

Pre-record music may be played within the limitations of your municipal noise bylaw. Depending on the location of the temporary patio, additional restrictions may be placed on the licence. As of Stage 3 the Province has permitted live music under certain circumstances. Please refer to the provincial requirements for having live music on a patio (<https://www.ontario.ca/>).

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Do we require a Business Licence for a temporary patio?

Please check with your Municipality as to whether or not the Municipality requires a business license. If there is a business licensing program you will require a business license to operate or expand your patio.

When do I apply for a Temporary Usage License (TUL)?

Application should be made prior to establishing or expanding a patio on to a sidewalk, parking lot, open space or municipal/region lands.

What are the costs for the TUL?

Temporary usage licences are provided free of charge as a part of the city SOLER initiative, supporting local business. Please visit the SOLER Webpage (<https://www.waterloo.ca/en/government/local-economic-recovery.aspx>).

What is the timeframe for obtaining a Temporary Usage Licence?

City staff understand the possible urgency in establishing or expanding an outdoor area to serve your customers. Once all documents are received, we are typically able to issuance the licence within 2-3 business days.

Are we expecting any regulations regarding plexiglass between patrons' or will physical distancing be enough?

While the Regulation permits the use of barriers between eating areas, it does not offer any specific guidance on their requirements. Given complications such as installation and potential fire code and safety issues, physical distancing suffices and remains the best way of regularly ensuring the risk of transmission between groups in different seating areas remains low.

Licensing Questions

What are the capacity requirements set by the AGCO?

Some municipalities have inquired about the requirement that the capacity of any new patio, or extended patio space where the licensee has an existing licensed patio, does not exceed 1.11 square metres per person. For additional clarity, this means that any extended patio space *should allow for a minimum of* 1.11 square metres per person. For example, the maximum capacity of a new 100 square metre patio would be 90 people ($100 \text{ sq/m} \div 1.11 \text{ sq/m/person} = 90$). On an existing patio space, the capacity as stated on the licence continues to apply.

All licensees are expected to first and foremost comply with physical distancing measures and any other public health guidelines or orders issued by the Ontario Government or by any other applicable level of government. The AGCO recognizes that physical distancing requirements as set out in the Government's

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[Framework for Reopening our Province](#) will likely require licensees to operate at well below maximum capacity. Some municipalities have also chosen to add additional requirements for licensed establishments located within their municipality that may further restrict capacity.

Can patrons carry liquor across unlicensed areas?

In addition, the AGCO would like to clarify that only the licensee or its employees are permitted to carry liquor between two licensed areas across an unlicensed area (e.g. from the establishment and across the sidewalk, in the case where the patio extension is on a roadway and does not extend to the sidewalk). The original version of this communication mistakenly communicated that patrons could also carry liquor across the unlicensed area if the liquor was in a closed container. For greater clarity, a patron cannot carry any liquor purchased from the licensee across an unlicensed area.

Resources for Restaurants

AGCO New Patio Guidelines

<https://www.agco.ca/bulletin/2020/information-bulletin-temporary-change-glass-licensees-extend-their-outdoor-space>

Music on Patios

<https://www.ontario.ca/>

Public Health - Reopening Restaurants and Food Services

<https://www.regionofwaterloo.ca/en/health-and-wellness/re-opening-restaurants-and-food-services.aspx>

Municipal Regulations

City of Waterloo

- **SOLER: Sidewalk and patio licenses:** <https://www.waterloo.ca/en/government/local-economic-recovery.aspx#>
- **Business License:** <https://www.waterloo.ca/en/government/business-licences.aspx>

City of Kitchener

- **Patio Expansion Program:** <https://www.kitchener.ca/en/city-services/patio-expansion-program.aspx>
- **Business License:** <https://www.kitchener.ca/en/city-services/business-licensing.aspx>

City of Cambridge

- **Business License:** <https://www.cambridge.ca/en/build-invest-grow/Business-Applications-Licences-and-Permits.aspx>

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- **Sidewalk Patio Permits:** <https://www.cambridge.ca/en/build-invest-grow/Business-Applications-Licences-and-Permits.aspx#SidewalkPatioPermits>

Township of Woolwich

- **Patio Application:** <https://www.woolwich.ca/en/resources/2020-Temporary-Patio-ApplicationFillable.pdf>

Township of Wilmot

- **Temporary Patio Permit Application:** <https://forms.wilmot.ca/Development-Services/Temporary-Patio-Permit>